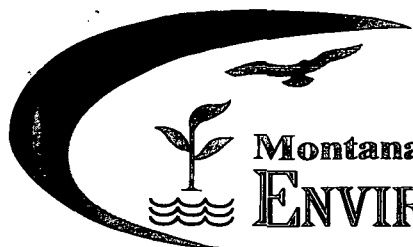


Libby OU7



Montana Department of  
**ENVIRONMENTAL QUALITY**

1258911 - R8 SDMS

Brian Schweitzer, Governor  
Richard H. Opper, Director

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • [www.deq.mt.gov](http://www.deq.mt.gov)

June 24, 2010

Senator Max Baucus  
30 4<sup>th</sup> Street East  
Kalispell, MT 59901-4944

RE: Lana Managhan – Proposed Soil Disposal Facility, Lincoln County, Montana

Dear Senator Baucus:

Thank you for the opportunity to provide comment on Ms. Managhan's letter dated May 25, 2010. Ms. Managhan expressed concern regarding a proposed soil disposal facility near Troy, Montana to receive yard and garden soil from the Libby Asbestos Superfund Site removal actions.

The Montana Department of Environmental Quality (DEQ) requested the City of Troy to consider entering into an agreement to provide land on which garden and yard soil slightly contaminated with very low levels (less than 1%) of Libby amphibole asbestos can be safely disposed and maintained. The materials being placed in the facility would have been limited to garden and yard soil removed from the Troy area of the Libby Asbestos Superfund Site, known as Operable Unit 7 (OU7).

The transfer and disposal operations would not caused any release of airborne asbestos fibers in the vicinity of the facility as the soil is wet throughout transport and storage, until permanently covered. The facility would have been operational for only a few months this summer, with reclamation scheduled to begin this fall.

DEQ performed a cost-benefit analysis and determined that disposing of the yard and garden soil in a location within OU7 is estimated to save the Libby Asbestos Site project over \$1 million dollars. A local disposal facility would further limit environmental impacts and lessen potential for automobile accidents by reducing highway miles traveled and provide additional short-term employment for Lincoln County.

DEQ evaluated six different potential locations for this disposal facility. The proposed city-owned property was unquestionably the best option. Since asbestos does not "leach," there is no risk to groundwater or the Kootenai River. The city-owned property is away from any population center and already adversely impacted by past and current uses. There is a historical, unregulated landfill on the property as well as significant impact by the current gravel and sand mining operations. In addition, Lincoln County

copy Victor K.  
Steve W  
Bill M

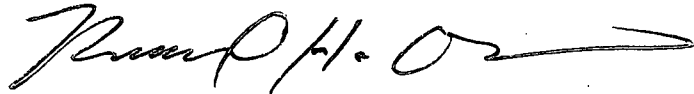
currently has a lease with the city to use the property as a Class III Landfill and transfer station.

DEQ's placement of the garden and yard soil on this property would not have limited any future use of the property more than what is already limited by the past and current uses.

During a special session held by the Troy City Council on June 23, 2010, the City Council voted against entering into the agreement with DEQ. Therefore, the soil removed from yards and gardens in OU7 will be transported to the former vermiculite mine outside of Libby.

Thank you for the opportunity to address Ms. Managhan's concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard H. Oppen", with a long horizontal flourish extending to the right.

Richard H. Oppen  
Director

**RECEIVED IN**  
**JUN 30 2010**  
**EPR-IO**